

Settlement/Hearing: May 25th, 2011
Time: 10:30 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 08-22504 RDD

**SPIRO MILLIARESSIS AND
ANN MILLIARESSIS,**

NOTICE OF SETTLEMENT

Debtors

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PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 25th day of May, 2011 at 10:30 A.M. in the Judge's Chambers, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

PLEASE TAKE FURTHER NOTICE, that Hearings on Objections, if any, to be conducted same place, date and time. Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
April 26th, 2011

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Spiro and Ann Milliaressis
24 Rockland Terrace
Suffern, New York 10901

Bleichman & Klein
268 Route 59
Spring Valley, New York 10977

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 08-22504 RDD

**SPIRO MILLIARESSIS AND
ANN MILLIARESSIS,**

Debtors

-----X

ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee having moved for an order dismissing this chapter 13 case; and upon the motion and the record of the May 25, 2011 hearing thereon, the Court having found that the above-captioned debtors have failed to comply with the provision of 11 U.S.C. § 1307 (c) (1) and (c)(6) and the order confirming plan dated December 24, 2008 directing the debtors to remit monthly payments according to plan, and the debtors failing to comply therewith, and being, at this juncture , in material arrears with plan payments to the trustee, and there being a material default in this confirmed plan, and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
May , 2011

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 08-22504 RDD

**SPIRO MILLIARESSIS AND
ANN MILLIARESSIS,**

TRUSTEE'S AFFIDAVIT

Debtors

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtors filed a Chapter 13 proceeding on April 15th, 2008.
3. The debtors failed to comply with the provisions of 11 U.S.C.

§1307 (c) (1)and (c)(6).

4. The debtors have failed to comply with the Order Confirming Plan dated December 24th, 2008 whereby the debtors must remit monthly payments to the trustee in the sum of \$54.00 for 36 months plus \$3000.00 for 2 months.

5. The debtors have paid the trustee to date the sum of \$1,584.00.
6. The debtors are \$360.00 in arrears in plan payments to the trustee.
7. There exists a material default in this confirmed plan.
8. The delay created by the debtor is prejudicial to creditors.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing

this case, be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
26th day of April, 2011

/s/ Jody L. Kava

Jody L. Kava

Notary Public, State of New York

No. 4836806

Qualified in Westchester County

Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

Chapter 13
Case No. 08-22504 RDD

**SPIRO MILLIARESSIS AND
ANN MILLIARESSIS,**

Debtors

-----x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in
the County of Westchester , State of New York.

On April 26th, 2011, I served a true copy of the within document, to the herein
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed
envelope with postage prepaid thereon, in an official depository of the United States Postal
Service within the State of New York to the following:

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Spiro and Ann Milliaressis
24 Rockland Terrace
Suffern, New York 10901

Bleichman & Klein
268 Route 59
Spring Valley, New York 10977

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
26th day of April, 2011

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/14